
Public Utilities Commission of the State of California

Public Agenda 3039
Thursday, May 18, 2000, 10 a.m.
San Francisco, California

Commissioners
Loretta M. Lynch, President
Henry M. Duque
Josiah L. Neeper
Richard A. Bilas
Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings **505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) Closed to the Public	<i>Commission Meeting</i> Auditorium (10 a.m.) Open to the Public
Monday, May 15	Thursday, May 18
Monday, June 5	Thursday, June 8
Monday, June 19	Thursday, June 22
Monday, July 3	Thursday, July 6
Monday, July 17	Thursday, July 20

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

A "◆" next to the item number on the Agenda indicates that the matter may be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.

CONSENT AGENDA

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

ORDERS AND RESOLUTIONS

- CA-1** **Res TL-18930** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3039** - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3** **R98-12-014 - Order Instituting Rulemaking on the Commission's own motion regarding Commission policy on area code relief.**
This decision finds that hexadecimal telephone (HT) numbers are not feasible at this time. This decision also finds that a proceeding should not be opened to consider the adoption of HT numbers.
(Com Wood - ALJ Kenney)
(Section 311(g)(1))

- CA-4** **Res T-16403** - This resolution adopts a budget of \$586,338 for the Telecommunications Devices for the Deaf Placement Interim Committee for time period from January 1, 2001 through June 30, 2001 and maintains the incremental surcharge rate at 0.001%.
(Section 311(g)(1))
- CA-5** **Res T-16404** - This resolution adopts a budget of \$295,997 for the Public Policy Payphone Program for time period from January 1, 2001 through June 30, 2001 and maintains the surcharge rate at 24 cents per pay telephone line.
(Section 311(g)(1))
- CA-6** **Res T-16405** - This resolution adopts a budget of \$557,708 for the Payphone Service Providers Enforcement Committee for time period from January 1, 2001 through June 30, 2001 and maintains the surcharge rate at 10 cents per pay telephone line.
(Section 311(g)(1))
- CA-7** **R97-01-009 - Order Instituting Rulemaking on the Commission's intervenor compensation program. I97-01-010 - Related matter.**
This decision grants the Spanish Speaking Citizens' Foundation, National Council of La Raza, and Oakland Chinese Community Council (jointly SSCF) an award of \$14,397.18 in compensation for their contribution to D00-01-020. These proceedings are closed.
(Com Neeper - ALJ Cooke)
(Section 311(g)(1))
- CA-8** **A00-02-020 - Sempra Communications (SC).**
For authority to provide competitive local exchange and interexchange services. This decision grants the application of SC for limited facilities-based authority, as a competitive local carrier. SC is bound by the same requirements and subject to the same exemptions as were applied to facilities-based carriers in D99-12-048. The joint motion of SC and the Office of Ratepayer Advocates is also granted, including the two conditions proposed therein. This proceeding is closed.
(Com Bilas - ALJ Pulsifer)
(Agenda 3036, Item CA-58, 4/6/00; Agenda 3037, Item CA-20, 4/20/00; Req - Commission)

- CA-9** **A93-11-008 - City of Morgan Hill (City).**
For authority to construct one pedestrian grade crossing of the Southern Pacific Transportation Company E Line, at the Downtown Transit Center in said City, Santa Clara County, to be identified as CPUC Crossing No. 001E-70.83-D. Granted. This proceeding is closed.
(Exam Koss)
- CA-10** **A99-09-016 - San Diego Gas & Electric Company.**
For authority to construct the Valley Center Substation. Granted. The substation would provide additional electricity to meet expected growth in the area and ensure reliability. The Commission's staff has conducted an environmental review and proposed a Mitigated Negative Declaration that would permit work to begin. This proceeding is closed.
(Com Wood - ALJ Walker)
- CA-11** **A00-02-029 - Pacific Pipeline System LLC.**
For authority pursuant to Public Utilities Code Section 816, et seq. to incur evidences of indebtedness that are payable more than 12 months after the date incurred. Granted. This proceeding is closed.
(Exam Clanon)
- CA-12** **A00-01-002 - Bud Peltonen, dba Big Lagoon Water Company and Big Lagoon Community Services District (BLCSD).**
(Rev.)
(5/9/00)
For authority to sell and BLCSD to buy the water system in Big Lagoon, Humboldt County. Granted. This proceeding is closed.
(Exam Evans)
This revision was not listed on the agenda distributed to the public.
- CA-13** **A97-08-059 - City of Los Angeles (City).**
For authority to construct one public at-grade railroad crossing and upgrade and convert two private rail crossings of public at-grade railroad crossings across the Union Pacific Company in the City, County of Los Angeles. This decision grants City's request to modify D98-08-019 to realign the proposed public at-grade crossing of San Francisco Street immediately west of Normandie Avenue, to revoke the authorization to construct the proposed public at-grade crossing of Francisco Street approximately 1,400 feet east of Western Avenue, and to change the parties responsible for maintenance of the grade crossing warning devices. This proceeding is closed.
(Exam Koss)

- CA-14 Res E-3670 - Southern California Edison Company (Edison).**
This resolution approves Edison's request for deviation from Base Period Usage.
(Advice Letter 1438-E, filed March 10, 2000)
- CA-15 C99-06-053 - The Utility Consumers' Action Network vs. Pacific Bell.**
This decision extends the 12-month statutory deadline for good cause.
(Com Lynch - ALJ Vieth)
- CA-16 A99-12-008 - Legacy Transportation Systems, Inc.**
For authority to transfer control of its passenger stage certificate to its subsidiary South Cal Systems, LLC, a California Limited Liability Company, under Section 851, et seq., of the Public Utilities Code, and Resolution TL-18875. Granted. This proceeding is closed.
(Exam Koss)
- CA-17 A99-11-015 - Getachew Demeku-Ousman, dba A and D Airporter.**
For a certificate of public convenience and necessity to operate as a passenger stage corporation between all points in Alameda, Contra Costa, San Francisco and Solano Counties and certain points in Napa and Sonoma Counties on the one hand and Oakland, Sacramento and San Francisco International Airports on the other hand. Granted. This proceeding is closed.
(Exam Koss)
- CA-18 A99-12-021 - City and County of San Francisco.**
For authority to construct a new Grade Crossing at the intersection of Common Street and the tracks of the Peninsula Corridor Joint Powers Board (PCJPB); to reconstruct the existing 16th Street Grade Crossing of the tracks of the PCJPB; to close the King Street Grade Crossing of the tracks of the PCJPB; and to close the Berry Street Crossing of the tracks of the PCJPB. Granted. This proceeding is closed.
(Exam Koss)

- CA-19 A99-09-033 - City of Novato (City).**
For authority to convert one private grade-separated crossing to a public grade-separated crossing of the Golden Gate Bridge, Highway, and Transportation District's Marin County Rail Line at Main Gate Road within the former Hamilton Army Airfield in said City, County of Marin. Granted. This proceeding is closed.
(Exam Koss)
- CA-20 C99-05-035 - Mad River Community Hospital vs. Pacific Gas and Electric Company.**
This decision extends the 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) until further order.
(Com Bilas - ALJ Wright)
- CA-21 Res SX-32 - Los Angeles County Metropolitan Transportation Authority (MTA).**
This resolution authorizes MTA's request, pursuant to Section 6.9 of General Order 75-C, to proceed with the installation of a train-activated Second Train Warning Sign at Vernon Avenue joint at grade crossing across MTA's and Union Pacific Railroad Company's tracks in Los Angeles, Los Angeles County.
(Exam Koss)
- CA-22 A97-10-069 - Jose Luis Ayala-Aroche, dba El Corre Caminos and Mark K. Sneed.**
For authority to transfer a certificate of public convenience and necessity to operate as a passenger stage corporation and certain assets to Mark K. Sneed and Jose Luis Ayala-Arouche, a partnership, dba El Corre Caminos. I98-07-039, A98-07-063 - Related matters. This decision grants Petition of El Corre Caminos for forbearance of fine. These proceedings are closed.
(Com Bilas - ALJ Rosenthal)

- CA-23** A99-11-036 - Southern California Edison Company (Edison).
For order approving proposed settlement agreement between Edison and Del Ranch, L.P. and Elmore, L.P., and Edison's recovery in rates of payments pursuant to proposed settlement. Granted. This proceeding is closed.
(Com Duque - ALJ Thomas)
- CA-24** **Res E-3673 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves SDG&E's request to establish new memorandum accounts for electric and gas line extension, the Applicant Installation Trench Inspection Memorandum Accounts.
(Advice Letter 1191-E/1166-G, filed September 17, 1999)
- CA-25** **Res T-16383 - DeltaTel, Inc.**
This resolution revokes the certificate of public convenience and necessity held by DeltaTel, Inc., as requested by the company.
(Agenda 3035, Item CA-11, 3/16/00; Agenda 3036, Item CA-39, 4/6/00; Agenda 3037, Item CA-19, 4/20/00; Agenda 3038, Item CA-30, 5/4/00; Req - Commission)
- CA-26** Moved to item 3 on the agenda.
(Rev.) This revision was not listed on the agenda distributed to the public.
(5/12/00)
- CA-27** Moved to item 4 on the agenda.
(Rev.) This revision was not listed on the agenda distributed to the public.
(5/12/00)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **I98-03-013 - Investigation on the Commission's own motion into whether existing standards policies of the Commission regarding drinking water quality adequately protect the public health and safety with respect to contaminants such as Volatile Organic Compounds, Perchlorate, MTBE, and whether those Standards and policies are being Uniformly compiled with by Commission regulated utilities.**
This final order in this investigation of water quality finds state requirements adequate and closes this docket. Suggestions in this proceeding for supplemental water quality rules will be the subject of new OIR if workshops fail and further investigation of compliance of one utility is possible. This proceeding is closed.
(Com Duque - ALJ Bennett)
(Section 311(g)(1))
(Agenda 3034, Item 2, 3/2/00; Agenda 3036, Item H-1, 4/6/00; Agenda 3037, Item H-1, 4/20/00; Req - Commission)
- H-2** **R97-10-049 - Order Instituting Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.**
This decision holds that the gross revenue sharing proposal put forward by California Water Association fails to sufficiently protect ratepayers. It allows water utilities to submit advice letters to obtain Commission approval of accounting for sales of non-tariffed goods and services. This proceeding is closed.
(Coms Duque/Neeper - ALJ Bushey)
(Section 311(g)(1))
(Agenda 3034, Item 3, 3/2/00; Agenda 3036, Item H-2, 4/6/00; Agenda 3037, Item H-2, 4/20/00; Agenda 3038, Item H-1, 5/4/00; Req - Commission)

- H-2a** **ALTERNATE ORDER TO ITEM H-2.** This alternate order approves a process for water utilities to offer non-tariffed products and services that is similar in structure to the method adopted by the Commission in D99-06-021 for Southern California Edison Company. The method allows sharing of gross revenues. Shareholders would receive 90% of gross revenues for active investments and 70% for passive investments. Shareholders would pay all costs. A threshold revenue assumption is also included. This alternate requires advice letters for products and services proposed as active investments.
(Coms Neeper/Duque)
(Agenda 3038, Item H-1a, 5/4/00; Req - Commission)
- H-3** **A99-02-004 - California Water Service Company, Dominguez Water Company, Kern River Valley Water Company, and Antelope Valley Water Company.**
For approval of a Plan of Merger of CWS, Dominguez, Kern River, and Antelope. This decision concludes the merger, as revised by applicants' "enhanced guarantee," and subject to other conditions in the Ordering Paragraphs is not adverse to the public interest. This decision authorizes the transfer of control. This proceeding is closed. The Commission's President at the March 16, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.
(Com Duque - ALJ Vieth)
(Section 311(d))
(Agenda 3035, Item 3, 3/16/00; Agenda 3036, Item H-8, 4/6/00; Agenda 3037, Item H-6, 4/20/00; Agenda 3038, Item H-3, 5/4/00; Req - Commission)
- H-3a** **ALTERNATE ORDER TO ITEM H-3.** This alternate order denies the proposed merger because the Applicants failed to demonstrate ratepayer benefits. It leaves the proceeding open to provide opportunity for Applicants to supplement the record in this regard.
(Com Lynch)

H-4 **A98-11-012 - Lodi Gas Storage, LLC (LGS).**
By this application LGS seeks a certificate of public convenience and necessity to develop, construct, and operate an underground natural gas storage facility and ancillary pipeline and to provide firm and interruptible storage services at market-based rates. This decision certifies the Environmental Impact Report (EIR) for LGS's project. It also denies this application after weighing the need for the project against the factors set forth in Public Utilities Code Section 1002. This proceeding is closed. **The Commission's President at the April 6, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.**
(Com Bilas - ALJ Econome)
(Section 311(d))
(Agenda 3036, Item 1, 4/6/00; Agenda 3037, Item H-7, 4/20/00; Agenda 3038, Item H-4, 5/4/00; Req - Commission)

H-4a **ALTERNATE ORDER TO ITEM H-4.** This alternate order certifies the EIR and conditionally grants the certificate of public convenience and necessity to LGS to develop, construct, and operate an underground natural gas storage facility and ancillary pipeline, and to provide firm and interruptible storage services at market-based rates. The following conditions are required in order to obtain the CPCN: 1) compliance with the mitigation measures set forth in the EIR; 2) obtaining adequate liability insurance and a surety performance bond; and 3) obtaining the following before construction can begin: permits from the State Lands Commission and resolution of the airport land use. LGS is also reminded of its future obligations with respect to Public Utilities Code Section 625 before it can exercise eminent domain powers.
(Coms Lynch/Duque)

H-5 A99-01-016 - Pacific Gas and Electric Company (PG&E).

For authority to establish Post-Transition Period Electric Ratemaking Mechanisms. A99-01-019, A99-01-034, A99-02-029 - Related matters. This decision provides guidance on policies regarding the end of the rate freeze and associated post-transition ratemaking for PG&E, Southern California Edison Company (Edison), and San Diego Gas & Electric Company (SDG&E). The Commission takes incremental steps designed to ensure a more level playing field in order to promote competition and provide consumers with more options. It considers and rejects the settlement regarding a procurement PBR mechanism presented to the Commission by SDG&E, the Office of Ratepayer Advocates, the Utility Consumers Action Network, the California Power Exchange (CalPX) and several other parties. It also rejects PG&E's proposal to either adopt a procurement PBR or to establish guidelines for procurement. Instead, it continues the requirement that all three utilities continue to procure their energy from the CalPX (also known as the mandatory buy requirement) until PG&E, Edison, and SDG&E have all ended the rate freeze. It does not adopt PG&E's rate capping proposal. It prefers that customers understand the impact of the market and the accompanying price signals. It calls for the utilities and energy service providers to provide the necessary customer education and information and recommend that hourly interval meters be installed whenever feasible. It also continues the balanced payment plan for residential and small commercial customers. It does not require that such plans be expanded to street lighting customers, rather, it sees this as an opportunity for the marketplace to offer solutions. It makes several findings related to cost allocation after the rate freeze ends for each utility. It finds that ongoing transition costs, restructuring implementation costs, and nuclear decommissioning costs should be allocated according to a cents-per-kilowatt methodology. Energy efficiency public purpose costs should continue to be allocated according to a system average percent change methodology. It also addresses issues related to SDG&E's rate reduction bonds. The unrealized savings resulting from the excess rate reduction bond proceeds must be refunded to ratepayers at SDG&E's authorized pre-tax rate of return over the remaining life of the bonds. Finally, it addresses other issues related to our post-rate freeze policies. These proceedings are closed.

(Com Duque - ALJ Minkin)

(Section 311(d))

(Agenda 3037, Item 2, 4/20/00; Agenda 3038, Item H-5, 5/4/00; Req - Commission)

H-5a **ALTERNATE ORDER TO ITEM H-5.** This alternate order allows utilities to procure from CalPX or any qualified exchange during the transition period. Exchanges are qualified through an advice letter process. Post transition period the buy requirement is totally eliminated. Utilities must file a new application with a methodology based on generation costs by class and time of use for the allocation of transition costs which extend past the end of the transition period. SDG&E ratepayers will receive a one time credit or check for unrealized savings from excess rate reduction bond proceeds. The line item for interruptible discounts is not adopted.
(Coms Neeper/Bilas)
(Agenda 3038, Item H-5a, 5/4/00; Req - Commission)

H-6 **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.**
This decision resolves the issues for which rehearing was granted as prescribed in D99-04-072. The decision concludes that Pacific Bell (Pacific) and GTE California Incorporated (GTEC) have failed to rebut the presumption that their end-user toll aggregation restrictions are unreasonable, and likewise, that they have failed to rebut the presumption that the resale restrictions on Centrex and Centranet service are unreasonable. Pacific and GTEC are directed to file amended tariffs removing these restrictions on the resale of the applicable services within 30 days of the effective date of this decision.
(Com Bilas - ALJ Pulsifer)
(Section 311(g)(1))
(Agenda 3038, Item 1, 5/4/00; Req - Commission)

H-7**A98-11-003 - Southern California Water Company (SCWC).**

For a Certificate of Public Convenience and Necessity (CPCN) pursuant to California Public Utilities Code Section 1001 to extend its West Orange County System to the Bolsa Chica Planned Community. A98-11-015 - Related matter. This decision finds that while the City of Huntington Beach is “able,” it is not “ready and willing” at this time to provide the needed water and sewer services for the developer of a planned residential community to be built on a segment of an unincorporated area of Orange County called Bolsa Chica even though the City surrounds the area on three sides, thus leading the developer to contract with SCWC for the services. This decision grants SCWC’s request for a CPCN to make a non-contiguous extension of SCWC’s local district to include the development, provide water and sewer services, and to construct a 6.75 mile underground 18 inch pipeline to transport water from the district to the development. It approves SCWC’s proposed rates as just and reasonable. As the Lead Agency under CEQA for the “pipeline” project, it relates that the Commission has conducted the requisite CEQA environmental review, and following issuance of a draft Supplemental Environmental Impact Report (SEIR) received and considered comments before issuing the Commission’s Final SEIR. This Final SEIR identifies significant environmental effects and mitigation requirements where feasible, examines and evaluates alternate routes, before concluding that the specific overriding economic, legal, social, technological and other benefits of the project outweigh the significant unmitigated impacts. Finally, it finds that the Final SEIR complies with CEQA and represents the Commission’s independent judgment, this decision certifies the Final SEIR. These proceedings are closed.

(Com Duque - ALJ Weiss)

(Section 311(d))

(Agenda 3038, Item 4, 5/4/00; Req - Commission)

ORDERS

- 1** **A99-07-002 - Southern California Gas Company (SoCalGas).**
(Rev.) For authority to continue low-income assistance programs and funding
(5/12/00) through 2000. A99-07-004, A99-07-011, A99-07-012 - Related matters.
This decision addresses the applications for approval of Program Year 2000
low-income assistance programs submitted by Pacific Gas and Electric
Company, San Diego Gas & Electric Company, Southern California Edison
Company, and SoCalGas.
(Com Neeper - ALJ Gottstein)
(Section 311(d))
This revision was not listed on the agenda distributed to the public.
- 2** **I99-07-003 - Investigation on the Commission's own motion to consider
the costs and benefits of various promising revisions to the regulatory
and market structure governing California's Natural Gas Industry and
to report to the California Legislature on the Commission's findings.**
This decision approves an uncontested settlement proposal addressing all
the promising options raised in D99-07-015 as applied to the Pacific Gas
and Electric Company (PG&E) natural gas system. (The attached
Comprehensive Gas OII Settlement Agreement (Attachment A)). It also
makes a finding that this agreement does not require PG&E to offer
consolidated gas billing for Core Transport Agents prior to the end of 2002.
(Com Bilas - ALJ Biren)

- 3** **A98-12-037 - Williams Communications, Inc., dba Vyvx, Inc.**
(Rev.) For a certificate of public convenience and necessity to provide InterLATA
(5/12/00) and IntraLATA telecommunications services within the State of California.
This decision modifies D99-12-062 to allow construction of a fiber optic
system between Point Arena in Mendocino County and the community of
Robbins in Sutter County, and between Point Arena and the City of
Sacramento. This proceeding is closed.
(Com Neeper - ALJ O'Donnell)
(Agenda 3038, Item CA-31, 5/4/00; Req - Commission)
This item appeared as CA-26 on the agenda distributed to the public.
- 4** **A99-10-029 - City of Novato (Novato) and Black Point Partnership,**
(Rev.) **L.P. (Black Point).**
(5/11/00) This decision grants Novato and Black Point's request to construct a new
(5/12/00) public at grade crossing at the site of the existing Renaissance Road private
crossing and to close an existing private crossing at milepost 28.08 of the
tracks of the Northwestern Pacific Railroad Authority in Novato, Marin
County.
(Exam Koss)
This revision was not listed on the agenda distributed to the public.
This item appeared as CA-27 on the agenda distributed to the public.
- 5** **A98-10-012 - Southern California Gas Company (SoCalGas).**
For authority to revise its rates effective August 1, 1999, in its Biennial Cost
Allocation Proceeding. A98-10-031 - Related matter. SoCalGas' motion
for a partial stay of D00-04-060 is granted until further order of the
Commission. The stay prevents a 19% rate increase to master-meter
customers in SoCalGas' territory which was to go into effect June 1, 2000.
(Rev.) No other part of D00-04-060 is affected. This matter is added to the agenda
(5/15/00) pursuant to Government Code Section 11125.3(a)(2) and Public Utilities
Code Section 306(b).
(Com Duque - ALJ Barnett)
This item was not listed on the agenda distributed to the public.
This revision was not listed on the agenda distributed to the public.

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3621 - Southern California Edison Company (SCE).**
This resolution approves as modified SCE's request to revise its Tariff Rule 18 to add language which allows SCE to provide master-metering for certain non-residential installations when individual utility metering is impractical.
(Advice Letter (AL) 1294-E, filed March 10, 1998; Supplemental AL 1294-E-A, filed January 31, 2000)
(Section 311(g)(1))
- E-2 Res E-3667 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves with modification SDG&E's request to offer new demand responsiveness programs to pay large customers to curtail energy use during periods of high-energy prices.
(Advice Letter 1199-E, filed November 4, 1999)
(Section 311(g)(1))
- E-3 Res E-3660 - Southern California Edison Company (Edison).**
This resolution denies Edison's request to offer customer premises electrical repair service (Edison OnCall) on a nontariffed basis without prejudice, and allows the utility to file an application with the Commission if it wishes to provide this service.
(Advice Letter 1425-E, filed December 16, 1999)
(Section 311(g)(1))
(Agenda 3036, Item E-1, 4/6/00; Agenda 3037, Item E-1, 4/20/00; Agenda 3038, Item E-2, 5/4/00; Req - Commission)
- (Rev.)**
(5/9/00) This revision was not listed on the agenda distributed to the public.

E-3a
(Rev.)

ALTERNATE RESOLUTION TO ITEM E-3. This alternate resolution addresses Edison's AL 1425-E, which requests approval to offer the OnCall service as a nontariffed service. Denied. The Commission finds the proposal would not have the utility exploit its surplus capacity in order to develop this business, as the Commission envisions when it issued Rule VII of the Affiliate Transaction Rules. The Commission prefers that competitive products and services be offered through the utilities' affiliates, if possible. The proposed expanded use of Edison's Customer Communication Center for the marketing of this service would be an inappropriate and likely irritating use of this call center.

(Com Neeper)

(Agenda 3038, Item E-2a, 5/4/00; Req - Commission)

TELECOMMUNICATIONS MATTERS

- C-1** **Res T-16381** - This resolution adopts the California Teleconnect Fund program's claim reporting requirements for telecommunications carriers seeking reimbursement for discounts given to qualified schools and libraries, government owned and operated hospitals and health clinics, and community-based organizations offering health care, job training, job placement, or educational instruction. The claim reporting requirements adopted herein apply to monthly claims from January 1998 through June 1999 and beginning July 1999.
(Section 311(g)(1))
- C-2** **Res T-16412** - This resolution adopts a budget of \$105.8 million for the Universal Lifeline Telephone Service for the time period from January 1, 2001 to June 30, 2001 (six-month budget) and increases the surcharge rate from 0.50% to 0.80%.
(Section 311(g)(1))
- C-3** **Res T-16409 - All Telecommunications Carriers.**
This resolution approves the first six-months of year 2001 budget of \$253.569 million and a surcharge rate of 2.1% for the California High Cost Fund-B program.
(Section 311(g)(1))
(Agenda 3038, Item C-1, 5/4/00; Req - Commission)
- C-4** **Res T-16388 - Greenlining Institute (Greenlining), GTE-California (GTEC), Latino Issues Forum (LIF), and the Consumer Services Division (CSD).**
This resolution addresses a set of proposed bylaws filed by the Greenlining, GTEC, LIF and the CSD (collectively referred to as "Parties" or "settling parties") to implement a Telecommunications Consumer Protection Fund (Fund). The Fund is to be established for the benefit of limited-English and non-English speaking customers in the service areas most affected by the allegedly abusive marketing practices of GTEC.
(Section 311(g)(1))
(Agenda 3034, Item C-4, 3/2/00; Agenda 3035, Item C-3, 3/16/00; Agenda 3036, Item C-3, 4/6/00; Agenda 3037, Item C-3, 4/20/00; Agenda 3038, Item C-2, 5/4/00; Req - Commission)

WATER MATTERS

- W-1 Res W-4195 - Conlin Strawberry Water Company, Inc. (CSWC).**
This resolution authorizes CSWC's request for a rate decrease of \$10,473 or 7.93%, from interim rates authorized in Res. W-4144, dated April 22, 1999, resulting in a final rate increase of \$18,597 or 18.06%; a refund to customers of \$10,688 due to non-compliance with D96-09-043; and a \$9,655 reduction in Safe Drinking Water Bond Act (SDWBA) surcharge revenue per year approximately for 6.5 years to repay \$64,030 of missing funds in the SDWBA Trust Account.

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

- HLEG-1** **AB 2757 (Committee on Utilities and Commerce)**, to amend Sections 278 and 2881 of the Public Utilities Code, relating to telecommunications: telephonic reading system.
(Agenda 3036, Item LEG-1, 4/6/00; Agenda 3037, Item HLEG-1, 4/20/00; Agenda 3038, Item HLEG-1, 5/4/00; Req - Commission)
- HLEG-2** **SB 1491 (Leslie)**, to amend Sections 7604 and 7678 of the Public Utilities Code, relating to railroad crossings: automated warning devices.
(Agenda 3036, Item LEG-3, 4/6/00; Agenda 3037, Item HLEG-3, 4/20/00; Agenda 3038, Item HLEG-2, 5/4/00; Req - Commission)
- HLEG-3** **AB 2762 (Committee on Utilities and Commerce)**, to amend Section 422 of the Public Utilities Code, relating to common carriers: annual fee.
(Agenda 3037, Item LEG-3, 4/20/00; Agenda 3038, Item HLEG-3, 5/4/00; Req - Commission)
- HLEG-4** **AB 995 (Wright) and SB 1194 (Sher)**, related to reliable electric service through prudent investments in the electric distribution grid, energy efficiency, renewable energy, and new technology.
(Agenda 3037, Item LEG-6, 4/20/00; Agenda 3038, Item HLEG-5, 5/4/00; Req - Commission)
- HLEG-5** **AB 1082 (Calderon)**, to amend Public Utilities Code Section 829, relating to stocks and securities transactions.
(Agenda 3038, Item LEG-1, 5/4/00; Req - Commission)

- LEG-1** **AB 1825 (Strom-Martin)**, related to rural telecommunications infrastructure.
- LEG-2** **AB 2638 (Calderon)**, to amend Sections 330 and 374 of, and to add Sections 454.1 and 9067 to, the Public Utilities Code, relating to public utilities: electrical power.
- LEG-3** **SB 200 (O'Connell)**, to add Section 6903 to the Labor Code, relating to employment: railroad train crews.
- LEG-4** **SB 1388 (Peace)**, to amend Sections 25519 and 25523 of, and to repeal Section 25524 of, the Public Resources Code, and to add Section 393 to the Public Utilities Code, relating to public utilities: electrical power facilities.

COMMISSIONERS' REPORTS

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- Legislative Matters

Commissioner Neeper

- Telecommunications Matters
- Legal/Administrative Law Judge Matters

Commissioner Bilas

- Natural Gas Matters
- Transportation Matters
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GENERAL COUNSEL'S REPORT

Peter Arth, Jr., General Counsel

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CLOSED SESSION

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

NON-FEDERAL ITEMS

ORDERS HELD OVER

- HEX-1** **Conference with Legal Counsel - Applications for Rehearing R93-04-003, I93-04-002** - Disposition of Applications for Rehearing of D99-11-050 filed by AT&T Communications of California, Inc. and MCI WorldCom Network Services, Inc.; Pacific Bell (Pacific); California Cable Television Association; Time Warner Telecom of California, L.P. and Cox California Telcom, L.L.C.; and The Utility Reform Network. D99-11-050 set prices for unbundled network elements offered by Pacific.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3037, Item EX-6, 4/20/00; Req - Commission)

ORDERS

- EX-1 Conference with Legal Counsel – Applications for Rehearing**
Compilation of applications for rehearing recently filed with the Commission. (Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-2 Conference with Legal Counsel – Threatened Litigation**
Significant exposure to litigation. (Gov. Code Sec. 11126(e)(2)(B).)
- EX-3 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, litigation. (Gov. Code Sec. 11126(e)(2)(C)(i).)
- EX-4 Conference with Legal Counsel - Initiation of Enforcement Proceeding**
Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission’s jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)
(Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)
- EX-5 Conference with Legal Counsel - Application for Rehearing**
A99-03-047 - Disposition of Application for Rehearing of D99-09-069 filed by Pacific Bell (Pacific) and MCI WorldCom Communications, Inc. (MCI WorldCom). D99-09-069 approved an interconnection agreement between Pacific and MCI WorldCom.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

EX-6 **Conference with Legal Counsel - Applications for Rehearing**
R97-08-001, I97-08-002 - Disposition of Applications for Rehearing of D00-03-020 filed by AT&T, MCI, and Sprint, in a joint application, seeking modification of certain reporting requirements. In the second application, the billing aggregators OAN Services, Inc. and Billing Concepts, Inc., and the Coalition to Ensure Responsible Billing, contend that the Commission failed to give them adequate notice that in this rulemaking proceeding it intended to fashion new rules that would affect billing agents directly. Consequently, these applicants contend, they did not participate in the proceeding and did not have an opportunity to comment on the new rules. These applicants seek rehearing so that their comments can be considered. (Gov. Code Sec. 11126(e)(2)(B)(i).)

EX-7 **Conference with Legal Counsel – Initiation of Commission Proceeding**
I _____ - Order Instituting Investigation into the status, rates, rules, operations, service, facilities, equipment, contracts and practices of Union Pacific Railroad Company in the supply and distribution of water in the communities of Keene and Woodforde in Kern County. (Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)

FEDERAL ITEMS

- FEX-1 Conference with Legal Counsel - Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in,
federal agency or court proceedings.
(Gov. Code Sec. 11126(e)(2)(C)(i).)
- FEX-2 Conference with Legal Counsel - Existing Litigation**
San Diego Gas & Electric Company, **FERC Docket Nos. ER98-496-006;**
ER98-2160-004.
(Gov. Code Sec. 11126(e)(2)(A).)
- FEX-3 Conference with Legal Counsel - Existing Litigation**
Amoco Energy Trading Corp., et. al. v. El Paso Natural Gas Company,
FERC Docket No. RP99-507-000.
(Gov. Code Sec. 11126(e)(2)(A).)
- FEX-4 Conference with Legal Counsel - Existing Litigation**
Pacific Gas and Electric Company, **FERC Docket No. ER99-4323-000.**
(Gov. Code Sec. 11126(e)(2)(A).)

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